

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICROBILT CORPORATION,

Plaintiff,

Case No. 05-60038

v.

District Judge Marianne O. Battani  
Magistrate Judge R. Steven Whalen

DIGITAL DIALOGUE, LLC.,  
DIALOGUE MARKETING, INC.,  
and PETER SCHMITT,

Defendants.

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**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL  
ELECTRONIC DISCOVERY**

Before the Court is Plaintiff's Motion to Compel Electronic Discovery [Docket #46]. For the reasons and under the terms stated on the record on May 23, 2006, the Motion is GRANTED. Plaintiff's expert shall be permitted access to Defendants' computer system in order to analyze Defendants' source code. Recognizing that it is not technologically feasible to access the source code and code-related files without also accessing all other data on the hard drive, including financial and other confidential data, Plaintiff's expert shall be permitted access under the following terms:

1. Plaintiff's expert shall conduct an on-site examination of Defendants' computer

system, and shall not be permitted to image or copy any portion of the hard drive not directly related to the Defendants' source code.

2. Plaintiff's expert shall not in any way disclose or discuss with any person or entity, including Plaintiff's employees and attorneys, data or files from Defendants' computer system that are not directly related to the source code. Such proscribed data that is not to be disclosed includes, but is not limited to, financial and customer data. Nor shall Plaintiff's expert make any written or electronic memorialization of any proscribed data. Further, Plaintiff's expert shall, prior to his inspection of Defendants' computer system, sign a confidentiality agreement that will be drafted by the parties. Data or other information that is directly related to the source code, including hash values and "meta-data," may be disclosed under the terms of the protective order previously entered in this case.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: May 23, 2006

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 23, 2006.

S/Gina Wilson  
Judicial Assistant